



# STATE OF INDIANA

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Ms. Melody Hale  
*Via email to melodyhale40@gmail.com*

**Re: Informal Opinion 18-INF-07; Access to Adoption Records**

Dear Ms. Hale:

This informal opinion is in response to your inquiry concerning the accessibility of certain adoption records in Indiana. In accordance with Indiana Code section 5-14-4-10(5), I issue the following informal opinion to your inquiry.

## DISCUSSION

### 1. The Access to Public Records Act (“APRA”) and Adoption Records

#### 1.1 APRA

It is the public policy of the State of Indiana that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” Ind. Code § 5-14-3-1. In general, the Access to Public Records Act governs access to public records in Indiana. Notably, public records are presumptively disclosable unless an exception applies under the law.

APRA has both mandatory and discretionary exceptions to the general rule of disclosure.<sup>1</sup> In short, if a public record is covered by one of APRA’s mandatory exceptions, the public agency is prohibited from disclosing the record unless access is specifically required by a state or federal statute or is ordered by a court under the rules of discovery. *See* Ind. Code § 5-14-3-4(a).

#### 1.2 Adoption Records Generally

In Indiana, adoption history information and other adoption records are declared confidential by statute. *See* Ind. Code § 31-19-19. As a result, adoption records are exempt from public disclosure under APRA. *See* Ind. Code § 5-14-3-4(a)(1).

Even so, there are procedures available for the disclosure of adoption records. Indiana Code section 31-19-19-4 states that adoption papers, records, and information “may be

<sup>1</sup> Ind. Code §§ 5-14-3-4(a) and (b).

disclosed only in accordance with Ind. Code § 31-19-17, [Ind. Code § 31-19-19], or Ind. Code § 31-19-20 through Ind. Code § 31-19-25.5.” Although an analysis of all these statutes exceeds the scope of this informal opinion, these statutes are worth mentioning because they set forth the procedure for disclosure of these records.

### **1.3 New Law Impacting Adoption Records**

On July 1, 2018, a new law took effect expanding access to adoption records and information in Indiana. The Indiana State Department of Health (“ISDH”) has provided a helpful summary of the law including links to relevant forms and answers to frequently asked questions posted here: <https://www.in.gov/isdh/27862.htm> .

## **CONCLUSION**

Adoption records are declared confidential by statute; and thus, are exempt from disclosure under the Access to Public Records Act. Even so, there are statutory procedures in place that permit the disclosure of adoption records to certain parties if the appropriate steps are followed.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt  
Public Access Counselor